

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Toni KOPRA	Confirmation No.: 8331
Application No.: 09/580,583	Examiner: Yehdega Retta
Filed: May 30, 2000	Group Art Unit: 3622

For: LOCATION AWARE PRODUCT PLACEMENT AND ADVERTISING

APPEAL BRIEF

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

This Appeal Brief is submitted in support of the Notice of Appeal dated June 2, 2009.

I. REAL PARTY IN INTEREST

NOKIA CORPORATION is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

Appellant is unaware of any related appeals and interferences.

III. STATUS OF THE CLAIMS

Claims 19, 22-34, 41, 45-47, and 49-53 are pending in this appeal, in which claims 1-18, 20, 21, 35-40, 42-44, and 48 have earlier been canceled. No claim is allowed. This appeal is therefore taken from the final rejection of claims 19, 22-34, 41, 45-47, and 49-53 on February 2, 2009.

IV. STATUS OF AMENDMENTS

All amendments, including the amendment to claims 19, 22-34, 41, 45-47, and 49-52 filed November 18, 2008, have been entered.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The claimed invention addresses problems associated with advertising products on mobile communication devices.

Independent claim 19 provides for the following:

19. A method comprising:

displaying a video on a mobile terminal, wherein the video is received via digital broadcasting network and includes a product image link (See, e.g., Specification, page 4, lines 18-23; page 8, line 20-page 10, line 8; page 23, lines 2-10; page 25, line 26-page 26, line 5; Fig. 1, signal receiver 140 and VAS 130, mobile terminals 153; Fig. 10, server 130 embeds product placements in active hypertext links);

receiving input selecting the link (See, e.g., Specification, page 4, lines 18-23; page 5, lines 1-12; page 26, lines 6-8; Fig. 11, step 1120);

sending a location of the mobile terminal in response to a receiving input selecting the link, the location determined using a mobile communication network (See, e.g., Specification, page 5, lines 1-12; page 23, line 28-page 25, line 2; page 26, lines 12-16; Fig. 11, step 1130), where in the mobile communication network is a different network than the digital broadcasting network (See, e.g., Specification, page 12, line 5-page 13, line 3; page 27, line

12-page 33, line 22; Fig. 3, digital broadcast to terminal 153 and mobile communication network connection 152 from terminal 153; Fig. 12); receiving content via the mobile communication network, the content related to the link and also related to the location of the mobile terminal (See, e.g., Specification, page 23, line 11-page 27, line 11; Fig. 11, application server 130, steps 1120-1170); and displaying the related content (See, e.g., Specification, page 27, lines 8-11; Fig. 11, step 1170).

Independent claim 28 provides for the following:

28. An apparatus, comprising:

a transceiver configured to communicate over a mobile communication network (See, e.g., Fig. 12, mobile terminal 100 receives/transmits over a mobile communication network);

a receiver configured to receive digital broadcasting over a digital broadcasting network, wherein the mobile communication network is a different network than the digital broadcasting network (See, e.g., Specification, page 12, line 5-page 13, line 3; page 27, line 12-page 33, line 22; Fig. 3, digital broadcast to terminal 153 and mobile communication network connection 152 from terminal 153; Fig. 12);

a display (See, e.g., display on mobile terminal 100 in Fig. 12);

a processor (See, e.g., processor in mobile terminal 100 in Fig. 12); and

a memory including logical instructions stored therein (See, e.g., memory in mobile terminal 100 in Fig. 12);

that when executed, cause the apparatus to:

display a video on a mobile terminal, wherein the video is received via a digital broadcasting network and includes a product image (See, e.g., Specification, page 4, lines 18-23; page 8, line 20-page 10, line 8; page 23, lines 2-10; page 25, line 26-page 26, line 5; Fig. 1, signal receiver 140 and VAS 130, mobile terminals 153; Fig. 10, server 130 embeds product placements in active hypertext links); receive input selecting the link (See, e.g., Specification, page 4, lines 18-23; page 5, lines 1-12; page 26, lines 6-8; Fig. 11, step 1120); send a location of the apparatus in response to receiving input selecting the link, the location determined using the mobile communication network (See, e.g., Specification, page 5, lines 1-12; page 23, line 28-page 25, line 2; page 26, lines 12-16; Fig. 11, step 1130); and receive via the mobile communication network content that is related to the link and also related to the location of the apparatus (See, e.g., Specification, page 23, line 11-page 27, line 11; Fig. 11, application server 130, steps 1120-1170); and displaying the related content (See, e.g., Specification, page 27, lines 8-11; Fig. 11, step 1170).

Independent claim 34 provides for the following:

34. An apparatus comprising:
a processor (See, e.g., processor in VAS 130 in Fig. 1); and

a memory having stored therein a database and logical instructions (See, e.g., processor in VAS 130 in Fig. 1), that when the logical instructions are executed, cause the apparatus to:

provide a link to a mobile terminal, wherein the link is positioned in a video displayed on the mobile terminal and wherein the link corresponds to an image of a product in the video, wherein the video is transmitted to the mobile terminal by a digital broadcasting network (See, e.g., Specification, page 4, lines 18-23; page 8, line 20-page 10, line 8; page 23, lines 2-10; page 25, line 26-page 26, line 5; Fig. 1, signal receiver 140 and VAS 130, mobile terminals 153; Fig. 10, server 130 embeds product placements in active hypertext links);

receive an automatically determined location of the mobile terminal over a mobile communication network as a result of a selection of the link, wherein the mobile communication network is a different network than the digital broadcasting network (See, e.g., Specification, page 5, lines 1-12; page 23, line 28-page 25, line 20; page 26, lines 12-16; Fig. 11, step 1130);

search a database to determine content that is related to the link and the location of the mobile terminal (See, e.g., Specification, page 26, line 9-page 26, line 12; Fig. 11, steps 1130-1170); and

provide the related content to the mobile terminal over the mobile communication network (See, e.g., Specification, page 27, lines 8-11; Fig. 11, step 1170).

Independent claim 41 provides for the following:

41. An apparatus comprising:

a receiver configured to receive digital broadcasting over a digital broadcasting network (See, e.g., Specification, page 12, line 5-page 13, line 3; page 27, line 12-page 33, line 22; Fig. 3, digital broadcast to terminal 153 and mobile communication network connection 152 from terminal 153; Fig. 12);

means for providing a link on a mobile terminal, wherein the link is positioned in a video displayed on the mobile terminal and the link corresponds to an image of a product in the video, wherein the video transmitted to the mobile terminal via the digital broadcasting network (See, e.g., Specification, page 4, lines 18-23; page 8, line 20-page 10, line 8; page 23, lines 2-10; page 25, line 26-page 26, line 5; Fig. 1, signal receiver 140 and VAS 130, mobile terminals 153; Fig. 10, server 130 embeds product placements in active hypertext links);

means for receiving a selection of the link (See, e.g., Specification, page 4, lines 18-23; page 5, lines 1-12; page 26, lines 6-8; Fig. 11, step 1120);

means for automatically determining the location of the mobile terminal using a mobile communication network as a result of the selection of the link and, where the mobile communication network is a different network than the digital broadcasting network (See, e.g., Specification, page 5, lines 1-12; page 23, line 28-page 25, line 20; page 26, lines 12-16; Fig. 11, step 1130);

means for determining content that is related to the linked resource and also related the location of the mobile terminal (See, e.g., Specification, page 23, line 11-page 27, line 11; Fig. 11, application server 130, steps 1120-1170); and

means for providing the related content to the mobile terminal over the mobile communication network (See, e.g., Specification, page 27, lines 8-11; Fig. 11, step 1170).

Independent claim 50 provides for the following:

50. A method comprising:

providing a link to a mobile terminal, wherein the link is positioned in a video displayed on the mobile terminal, and wherein the link corresponds to an image of a product in the video, where the video is transmitted to the mobile terminal by a digital broadcasting network (See, e.g., Specification, page 4, lines 18-23; page 8, line 20-page 10, line 8; page 23, lines 2-10; page 25, line 26-page 26, line 5; Fig. 1, signal receiver 140 and VAS 130, mobile terminals 153; Fig. 10, server 130 embeds product placements in active hypertext links);

receiving an automatically determined location of the mobile terminal over a mobile communication network as a result of the selection of the link, and wherein the mobile communication network is a different network than the digital broadcasting network (See, e.g., Specification, page 5, lines 1-12; page 23, line 28-page 25, line 20; page 26, lines 12-16; Fig. 11, step 1130);

searching a database to determine content that is related to the link and the location of the mobile terminal (See, e.g., Specification, page 26, line 9-page 26, line 12; Fig. 11, steps 1130-1170); and

providing the related content to the mobile terminal over the mobile communication network (See, e.g., Specification, page 27, lines 8-11; Fig. 11, step 1170).

Independent claim 52 provides for the following:

52. A computer-readable medium having computer-executable components for causing a computer to perform the steps, comprising:

displaying a video, wherein the video is received via a digital broadcasting network and includes a product image link (See, e.g., Specification, page 4, lines 18-23; page 8, line 20-page 10, line 8; page 23, lines 2-10; page 25, line 26-page 26, line 5; Fig. 1, signal receiver 140 and VAS 130, mobile terminals 153; Fig. 10, server 130 embeds product placements in active hypertext links);

receiving input selecting the link (See, e.g., Specification, page 4, lines 18-23; page 5, lines 1-12; page 26, lines 6-8; Fig. 11, step 1120);

sending a location of the mobile terminal, the location determined using a mobile communication network in response to receiving input selecting the link (See, e.g., Specification, page 5, lines 1-12; page 23, line 28-page 25, line 2; page 26, lines 12-16; Fig. 11, step 1130), wherein the mobile communication network is a different network than the digital broadcasting network (See, e.g., Specification, page 12, line 5-page 13, line 3; page 27, line 12-page 33, line 22; Fig. 3, digital broadcast to terminal 153 and mobile communication network connection 152 from terminal 153; Fig. 12);

receiving content via the mobile communication network, the content related to the link and also related to the location of the mobile terminal (See, e.g., Specification, page 23, line 11-page 27, line 11; Fig. 11, application server 130, steps 1120-1170); and

displaying the content (See, e.g., Specification, page 27, lines 8-11; Fig. 11, step 1170).

Independent claim 53 provides for the following:

53. A computer-readable medium having computer-executable components for causing a computer to perform:

providing a link on a mobile terminal, wherein the link is positioned in a video displayed on a mobile terminal, and wherein the link corresponds to an image of a product in the video, wherein the video is transmitted to the mobile terminal by a digital broadcasting network (See, e.g., Specification, page 4, lines 18-23; page 8, line 20-page 10, line 8; page 23, lines 2-10; page 25, line 26-page 26, line 5; Fig. 1, signal receiver 140 and VAS 130, mobile terminals 153; Fig. 10, server 130 embeds product placements in active hypertext links); receiving an automatically determined location of the mobile terminal over a mobile communication network as a result of the selection of the link (See, e.g., Specification, page 5, lines 1-12; page 23, line 28-page 25, line 20; page 26, lines 12-16; Fig. 11, step 1130), wherein the mobile communication network is a different network than the digital broadcasting network (See, e.g., Specification, page 12, line 5-page 13, line 3; page 27, line 12-page 33, line 22; Fig. 3, digital broadcast to terminal 153 and mobile communication network connection 152 from terminal 153; Fig. 12); searching a database to determine content that is related to the link and the location of the mobile terminal(See, e.g., Specification, page 26, line 9-page 26, line 12; Fig. 11, steps 1130-1170); and providing the related content to the mobile terminal over the mobile communication network (See, e.g., Specification, page 27, lines 8-11; Fig. 11, step 1170).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 19, 22-24, 28, 29, 34, 41, and 50-53 are obvious under 35 U.S.C. § 103 based on *Rangan et al.* (6,006,265) in view of *Applicant's Background* and further in view of *Bandera et al.* (US 6,332,127) and *Owa et al.* (US 6,711,379)?¹

Whether claims 25-27 and 30-33 are obvious under 35 U.S.C. § 103 based on *Rangan et al.* (6,006,265) in view of *Applicant's Background*, *Bandera et al.* (US 6,332,127) and *Owa et al.* (US 6,711,379) and further in view of *Saha et al.* (US 6,198,935)?

VII. ARGUMENT

- A. **CLAIMS 19, 22-24, 28, 29, 34, 41, 45-47, 49, AND 50-53 ARE NOT RENDERED OBVIOUS BY RANGAN ET AL. IN VIEW OF APPLICANT'S BACKGROUND AND FURTHER IN VIEW OF BANDERA ET AL. AND OWA ET AL. BECAUSE NONE OF THE REFERENCES DISCLOSES OR SUGGESTS "WHEREIN THE MOBILE COMMUNICATION NETWORK IS A DIFFERENT NETWORK THAN THE DIGITAL BROADCASTING NETWORK."**

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention under any statutory provision always rests upon the Examiner. *In re Mayne*, 104 F.3d 1339, 41 USPQ2d 1451 (Fed. Cir. 1997); *In re Deuel*, 51 F.3d 1552, 34 USPQ2d 1210 (Fed. Cir. 1995); *In re Bell*, 991 F.2d 781, 26 USPQ2d 1529 (Fed. Cir. 1993); *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner is required to provide a factual basis to support the obviousness conclusion. *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967); *In re Lunsford*, 357 F.2d 385, 148 USPQ 721 (CCPA 1966); *In re Freed*, 425 F.2d 785, 165 USPQ 570 (CCPA 1970).

Each of independent claims 19, 28, 34, 41, 50, 52, and 53 recites, *inter alia*, “the mobile communication network is a different network than the digital broadcasting network.”

In the Final Office Action, the Examiner asserts that *Rangan et al.* disclose a digital broadcasting network. The Examiner further asserts that in the Background of the invention, as described in the specification, it is disclosed that high speed data services to mobile terminals are supported by advanced Third Generation (3G) Universal Mobile Telecommunications System (UMTS) or Global System for Mobile Communication/General Packet Radio Service (GSM/GPRS) mobile networks. Thus, the Examiner concludes that it would have been obvious to provide the service disclosed in *Rangan et al.* in wireless devices

since the third generation of cellular or wireless technology (3G) with much greater bandwidth are enabled to browse web sites on the Internet, to transmit and receive graphics, to execute streaming audio or video applications, (applicant’s background). Applicant discloses that one aspect of the present invention takes advantage of these advancements by placing products as active hypertext links in images and streaming Internet video so that the viewer could click on the position of the product (see page 4), however this feature is taught in Rangan (pages 3-4 of the Final Office Action).

Thus, the Examiner asserts the obviousness of

providing the streaming data and the placing of product as active hypertext links in images, as taught in Rangan, to 3G wireless networks for real time applications, for the intended purpose of providing streaming digital hypervideo including coupons embedded hyperlinks of Rangan to consumer of wireless devices, since the current wireless devices do not inherit the limited bandwidth of the preceding wireless devices” (Final Office Action-pages 3-4).

The reference to *Bandera et al.* is employed by the Examiner for a teaching of displaying a link to a resource with a mobile terminal, determining a selection of the link by a user to

¹ While claims 45-47 and 49 are not included in the statement of rejection, it appears from the Examiner’s explanation at page 9 of the Final Office Action of February 2, 2009 that the Examiner intended to include these

determine content related to the linked resource and also to the location of the terminal, as well as determining a location at periodic intervals, searching a database for sellers' information and providing an advertising object.

The Examiner acknowledges that none of these references disclose or suggest that the mobile communications network is a different network than the digital broadcasting network and, instead relies on *Owa et al.* for such a teaching, specifically referring to col. 7, lines 40-52 and col. 9, lines 14-22 for “*the location of the mobile terminal received transmitted from a plurality of GPS satellites*” [sic, Final Office Action-page 5] and to Figs. 23 and 24, col. 20, lines 20-67, col. 21, line 56-col. 22, line 67, and col. 25, lines 3-33 for “*broadcast signal from a digital broadcast system*” [sic, Final Office Action-page 5]. From this, the Examiner concludes that it would have been obvious to transmit the digital broadcast through the digital broadcasting network and the location of the device through a mobile communication network different than the digital broadcasting network “*if the Global positioning system is not capable of transmitting the digital signal*” [sic, Final Office Action-page 5].

Respectfully, the Examiner’s rationale is legally flawed.

While *Rangan et al.* may disclose hyperlinking (within streaming digital hypervideo) specific to a particular place, time, and other factors, as acknowledged by the Examiner, *Rangan et al.* discloses only a receiver that is configured to receive digital broadcasting over a digital broadcasting network wherein the video is received via the digital broadcasting network. There is no disclosure or suggestion, within *Rangan et al.*, of the use of any mobile communications network, and clearly no disclosure of “wherein the mobile communication network is a different network than the digital broadcasting network.”

claims in the rejection.

The Examiner alleges that Appellant's Background portion of the specification teaches about recent improvements in technology having allowed the widespread proliferation of higher speed Internet access, with high speed data services to mobile terminals supported by 3G mobile networks and that “[o]ne aspect of the present invention takes advantage of these advancements by placing products as active hypertext links in images and streaming Internet video so that the viewer could click on the position of the product....”

Appellants would like to make it clear to the Honorable Board that the quoted portions of the instant specification are from the portion entitled “SUMMARY OF THE INVENTION,” and do not constitute, as the Examiner would have the Board believe, acknowledgements of prior art. In fact, one of the quoted portions explicitly states that “[o]ne aspect of **the present invention** takes advantage of these advancements by placing products as active hypertext links in images and streaming Internet video so that the viewer could click on the position of the product...” Such advantages recognized by Appellant and achieved by Appellant’s invention should not, and cannot, be used against Appellant in the present rejection.

Moreover, even assuming, *arguendo*, that the references to *Rangan et al.* and *Bandera et al.* disclose what is alleged by the Examiner, which they do not, and assuming, *arguendo*, that what the Examiner identifies in the specification is prior art, which it is not, the rejection of claims 19, 22-24, 28, 29, 34, 41, and 50-53 under 35 U.S.C. § 103 must still fail because no reference or combination of references discloses or suggests the use of two **different networks**, *viz.*, **a digital broadcasting network** for receiving a video **and a mobile communications network** for determining a location of the mobile terminal in response to a receiving input selecting a link.

Reliance on *Owa et al.* for such a teaching, particularly col. 7, lines 40-52 and col. 9, lines 14-22 for “*the location of the mobile terminal received transmitted from a plurality of GPS satellites*” and Figs. 23 and 24, col. 20, lines 20-67, col. 21, line 56-col. 22, line 67, and col. 25, lines 3-33 for “*broadcast signal from a digital broadcast system,*” is misplaced. *Owa et al.* provide a digital broadcasting network wherein broadcast multimedia data containing pictures, sounds, and texts are broadcast to the terminal of a mobile station (e.g., see col. 1, lines 35-64). However, there is no teaching in *Owa et al.* of employing **a mobile communications network** for determining a location of the mobile terminal in response to a receiving input selecting a link. The terminal device in *Owa et al.* “includes a location judgment database which stores setting data indicating the relationship between the location of the self device and an object to be presented to the user,” with the location of the self device detected by receiving range signals transmitted from a plurality of GPS satellites (col. 7, lines 40-52) but nothing herein suggests employing **a mobile communications network** for determining a location of the mobile terminal in response to a receiving input selecting a link. The terminal device “includes a GPS signal receiving unit 62 and ranging signals transmitted from GPS satellites GS1, GS2,..., are the present location is stored, the objects corresponding this region are selected from a plurality of received objects input from the selecting unit 49” [sic, col. 9, lines 14-22] but, again, nothing herein suggests employing **a mobile communications network** for determining a location of the mobile terminal in response to a receiving input selecting a link.

The network of *Owa et al.* is a GPS system that calculates the location of a mobile terminal, but it does not receive content related to a link, as claimed, i.e., “receiving content via the mobile communication network, the content related to the link and also related to the location

of the mobile terminal”-claim 19. The GPS receiver and network in *Owa et al.* performs one, and only one, task, viz., determining the location of the mobile terminal. It does not, and cannot, transmit content related to a link, as claimed. Therefore, it should be clear that *Owa et al.* do not disclose a “mobile communication network,” as claimed.

Thus, *Rangan et al.* and/or a combination of *Rangan et al.* and allegedly admitted prior art fails to disclose the feature of “wherein the mobile communication network is a different network than the digital broadcasting network.” *Rangan et al.* disclose only one network. *Bandera et al.* fail to cure the deficiency of *Rangan et al.* and/or a combination of *Rangan et al.* and allegedly admitted prior art because *Bandera et al.* fails to disclose or suggest multiple networks, let alone the specific features of the independent claims. The network of *Bandera et al.* adds nothing to the teaching of the *Rangan et al.*/allegedly admitted prior art combination and, without more, there is no evidence established on this prosecution record that it would have been obvious to those skilled in the art to introduce a second, different, network, much less performing the method of the independent claims 19, 50, 52, and 53, for example, over two networks, wherein the mobile communication network is a different network than the digital broadcasting network.

The Examiner appears to acknowledge the absence of the use of two **different** networks, *viz.*, a **digital broadcasting network** for receiving a video and a **mobile communications network** for determining a location of the mobile terminal in response to a receiving input selecting a link, in *Owa et al.* because the Examiner concludes, at page 5 of the Final Office Action, that it would have been obvious to transmit the digital broadcast through the digital broadcasting network and the location of the device through a mobile communication network

different than the digital broadcasting network “*if the Global positioning system is not capable of transmitting the digital signal.*” Thus, the Examiner agrees that the digital broadcasting network in *Owa et al.* is responsible for all transmissions. But, with no basis, other than Appellant’s own disclosure as to the advantages achieved by the use of two **different** networks for performing the claimed functions, the Examiner cavalierly concludes that it would have been obvious to transmit the location of the device through a mobile communication network different than the digital broadcasting network “*if the Global positioning system is not capable of transmitting the digital signal.*” This is a classic hindsight rejection based on nothing more than Appellant’s disclosed advantages. Simplicity and hindsight are not proper criteria for resolving the issue of obviousness. *In re Horn*, 203 USPQ 969 (CCPA 1979); *In re Warner*, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967). The use of Appellant’s own specification as a reason for combining elements is impermissible hindsight. *In re Shaffer*, 108 USPQ 329 (CCPA 1956).

The Examiner reasons that if the GPS system is not capable of transmitting a digital signal, then a mobile communications network of the terminal can transmit the signal. There is no support, within *Owa et al.*, or within any of the other reference relied on, for this allegation. *Owa et al.* **only** provides for transmission via the digital broadcast network and there is no disclosed alternative “*if the Global positioning system is not capable of transmitting the digital signal.*” To suggest that *Owa et al.* offer such an alternative is merely a figment of the Examiner’s imagination gleaned from Appellant’s disclosure.

The Patent Office must give specific reasons why one of ordinary skill in the art would have been motivated to combine the references. See, e.g., *In re Kotzab*, 217 F.3d 1365, 1371, 55

USPQ2d 1313, 1317 (Fed. Cir. 2000); *In re Rouffet*, 149 F.3d 1350, 1359, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998).

While the Examiner gives specific reasons for combining the references, e.g., it would have been obvious to transmit the location of the device through a mobile communication network different than the digital broadcasting network “*if the Global positioning system is not capable of transmitting the digital signal*,” the Examiner’s rationale is not reasonable since it relies on impermissible hindsight gleaned from Appellant’s own disclosure and is not based on any evidence provided by the applied references. Therefore, there would have been no motivation to combine the references in the manner suggested by the Examiner.

Since none of the applied references, or any combination thereof, discloses or suggests the use of two networks, *viz.*, **a digital broadcasting network** for receiving a video **and a mobile communications network** for determining a location of the mobile terminal in response to a receiving input selecting a link, “wherein the mobile communication network is a **different** network than the digital broadcasting network,” the Examiner has failed to establish the requisite *prima facie* case of obviousness under 35 U.S.C. § 103.

Accordingly, the Honorable Board is respectfully requested to reverse the Examiner’s rejection of claims 19, 22-24, 28, 29, 34, 41, 45-47, 49, and 50-53 under 35 U.S.C. § 103.

B. CLAIMS 25-27 AND 30-33 ARE NOT RENDERED OBVIOUS BY RANGAN ET AL. IN VIEW OF APPLICANT’S BACKGROUND AND FURTHER IN VIEW OF BANDERA ET AL., OWA ET AL., AND SAHA ET AL. BECAUSE SAHA ET AL. DOES NOT PROVIDE FOR THE DEFICIENCIES OF THE OTHER REFERENCES IN DISCLOSING “WHEREIN THE MOBILE COMMUNICATION NETWORK IS A DIFFERENT NETWORK THAN THE DIGITAL BROADCASTING NETWORK.”

The Examiner has not established a *prima facie* case of obviousness regarding the subject matter of claims 25-27 and 30-33 because of the deficiencies of *Rangan et al.*, *Bandera et al.*, *Owa et al.*, and Appellant's disclosure in failing to disclose or suggest the use of two networks, *viz.*, **a digital broadcasting network** for receiving a video **and a mobile communications network** for determining a location of the mobile terminal in response to a receiving input selecting a link, "wherein the mobile communication network is a **different** network than the digital broadcasting network."

Saha et al., relied on for an alleged teaching of measuring radio signals and determining the arrival time of a first detectable path and determining idle periods, also does not provide for the aforementioned deficiencies.

Accordingly, the Honorable Board is respectfully requested to reverse the Examiner's rejection of claims 25-27 and 30-33 under 35 U.S.C. § 103.

VIII. CONCLUSION AND PRAYER FOR RELIEF

For the foregoing reasons, Appellant requests the Honorable Board to reverse each of the Examiner's rejections.

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 504213 and please credit any excess fees to such deposit account.

Respectfully Submitted,

DITTHAVONG MORI & STEINER, P.C.

July 30, 2009

Date

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IX. CLAIMS APPENDIX

1.-18. (Canceled)

19. A method comprising:

displaying a video on a mobile terminal, wherein the video is received via digital broadcasting

network and includes a product image link;

receiving input selecting the link;

sending a location of the mobile terminal in response to a receiving input selecting the link,

the location determined using a mobile communication network, where in the mobile communication network is a different network than the digital broadcasting network;

receiving content via the mobile communication network, the content related to the link and

also related to the location of the mobile terminal; and

displaying the related content.

20.-21. (Canceled)

22. The method of Claim 19, further comprising

communicating the location of the mobile terminal to an application server; and

searching a database in the application server for reseller information that is associated with

the link and the location of the mobile terminal, wherein the related content comprises the reseller information.

23. The method of Claim 19, further comprising determining the location of the mobile terminal, wherein the determining the location of the mobile terminal includes:

determining a network address of the mobile terminal;
mapping the network address to a mobile identifier integrated services digital network number; and
determining the location of the mobile terminal based on at least the mobile identifier integrated services digital network number.

24. The method of Claim 19, wherein the content received comprises information on a reseller that is located closest to the location of the mobile terminal.

25. The method of Claim 19, further comprising determining the location of the mobile terminal, where determining the location of the mobile terminal includes:

communicating radio signals via a base station subsystem;
measuring the radio signals; and
calculating the location of the mobile terminal based at least on the measurements of the radio signals.

26. The method of Claim 25, wherein the radio signals include at least two radio signals and measuring the radio signals includes:

measuring a real time difference between at least two of the radio signals; and
measuring an absolute time difference between at least two of the radio signals.

27. The method of Claim 19, further comprising determining the location of the mobile terminal, wherein the determining the location of the mobile terminal includes:

generating a network-assisted positioning request;
communicating radio signals between the mobile terminal and a base station subsystem;

measuring the radio signals generated by the mobile terminal during one or more idle periods; storing the measurements of the radio signals; determining an arrival time of a first detectable path; and determining when the idle periods occur.

28. An apparatus, comprising:

a transceiver configured to communicate over a mobile communication network; a receiver configured to receive digital broadcasting over a digital broadcasting network, wherein the mobile communication network is a different network than the digital broadcasting network;

a display;

a processor; and

a memory including logical instructions stored therein;

that when executed, cause the apparatus to:

display a video on a mobile terminal, wherein the video is received via a digital broadcasting network and includes a product image;

receive input selecting the link;

send a location of the apparatus in response to receiving input selecting the link, the location determined using the mobile communication network; and

receive via the mobile communication network content that is related to the link and also related to the location of the apparatus; and

displaying the related content.

29. The apparatus of Claim 28, wherein the apparatus is configured to

communicate the selected link and the location of the apparatus to an application server using the mobile communication network.

30. The apparatus of Claim 28, wherein the apparatus is configured to:

communicate radio signals via a base station subsystem;

measure the radio signals; and

calculate the location of the apparatus based at least on the measurements of the radio signals.

31. The apparatus of Claim 30, wherein the transceiver is configured to receive the radio signals, and where the apparatus is configured to determine a first arrival time for a first detectable path for a first base subsystem and a second arrival time for a second detectable path for a second base subsystem.

32. The apparatus of Claim 30, where the apparatus is configured to:

measure the radio signals generated during idle periods;

determine an arrival time of a first detectable path; and

determine when the idle periods occur.

33. The apparatus of Claim 30, wherein the apparatus is configured to:

receive interactive betting content over the mobile communication network that enables a bet to be made from the apparatus; and

in response to a bet being made, receive via a mobile communication network link related to the bet.

34. An apparatus comprising:

a processor; and

a memory having stored therein a database and logical instructions, that when the logical instructions are executed, cause the apparatus to:

provide a link to a mobile terminal, wherein the link is positioned in a video displayed on the mobile terminal and wherein the link corresponds to an image of a product in the video, wherein the video is transmitted to the mobile terminal by a digital broadcasting network;

receive an automatically determined location of the mobile terminal over a mobile communication network as a result of a selection of the link, wherein the mobile communication network is a different network than the digital broadcasting network;

search a database to determine content that is related to the link and the location of the mobile terminal; and

provide the related content to the mobile terminal over the mobile communication network.

35.-40. (Canceled)

41. An apparatus comprising:

a receiver configured to receive digital broadcasting over a digital broadcasting network;

means for providing a link on a mobile terminal, wherein the link is positioned in a video displayed on the mobile terminal and the link corresponds to an image of a product in the video, wherein the video transmitted to the mobile terminal via the digital broadcasting network;

means for receiving a selection of the link;

means for automatically determining the location of the mobile terminal using a mobile communication network as a result of the selection of the link and, where the mobile communication network is a different network than the digital broadcasting network; means for determining content that is related to the linked resource and also related the location of the mobile terminal; and means for providing the related content to the mobile terminal over the mobile communication network.

42.-44. (Canceled)

45. The method of Claim 19, where the apparatus is configured to stop the delivery of the video while the related content is displayed in response to the selection of the link.

46. The apparatus of Claim 28, where the apparatus is configured to stop the delivery of the video while content related to the link is displayed in response to communication of the selected link.

47. The apparatus of Claim 34, where the apparatus is configured to stop the video while providing the related content.

48. (Canceled)

49. The apparatus of Claim 41, wherein the means for providing a link to the resource is configured to stop the video while the related content is provided to the mobile terminal.

50. A method comprising:

providing a link to a mobile terminal, wherein the link is positioned in a video displayed on the mobile terminal, and wherein the link corresponds to an image of a product in the video, where the video is transmitted to the mobile terminal by a digital broadcasting network;

receiving an automatically determined location of the mobile terminal over a mobile communication network as a result of the selection of the link, and wherein the mobile communication network is a different network than the digital broadcasting network;

searching a database to determine content that is related to the link and the location of the mobile terminal; and

providing the related content to the mobile terminal over the mobile communication network.

51. The method of Claim 50, wherein the providing of the related content over the mobile communication network stops displaying the video.

52. A computer-readable medium having computer-executable components for causing a computer to perform the steps, comprising:

displaying a video, wherein the video is received via a digital broadcasting network and includes a product image link;

receiving input selecting the link;

sending a location of the mobile terminal, the location determined using a mobile communication network in response to receiving input selecting the link, wherein the mobile communication network is a different network than the digital broadcasting network;

receiving content via the mobile communication network, the content related to the link and also related to the location of the mobile terminal; and displaying the content.

53. A computer-readable medium having computer-executable components for causing a computer to perform:

providing a link on a mobile terminal, wherein the link is positioned in a video displayed on a mobile terminal, and wherein the link corresponds to an image of a product in the video, wherein the video is transmitted to the mobile terminal by a digital broadcasting network; receiving an automatically determined location of the mobile terminal over a mobile communication network as a result of the selection of the link, wherein the mobile communication network is a different network than the digital broadcasting network; searching a database to determine content that is related to the link and the location of the mobile terminal; and providing the related content to the mobile terminal over the mobile communication network.

X. EVIDENCE APPENDIX

Appellant is unaware of any evidence that is required to be submitted in the present Evidence Appendix.

XI. RELATED PROCEEDINGS APPENDIX

Appellant is unaware of any related proceedings that are required to be submitted in the present Related Proceedings Appendix.